

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PRAGMATUS TELECOM, LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 12-1682 (RGA)
)	
FOOT LOCKER, INC.,)	
)	
Defendant.)	

**DEFENDANT FOOT LOCKER, INC.'S MOTION TO STAY PENDING
REEXAMINATION OF ASSERTED U.S. PATENT NOS. 6,311,231 AND 6,668,286**

Defendant Foot Locker, Inc. ("Foot Locker") moves to stay this case pending the *ex parte* reexamination of U.S. Patent No. 6,311,231 (Control No. 90/012,617) and the *inter partes* reexamination of U.S. Patent No. 6,668,286 (Control No. 95/002,317). Foot Locker joins in, and incorporates by reference, the arguments set forth in the briefs filed by defendants HSN, Inc. (C.A. No. 12-1546, D.I. 10) and Bosch Security Systems Inc. (C.A. No. 12-1650, D.I. 10), each requesting the same relief sought in this motion.¹

Plaintiff Pragmatus Telecom, LLC has alleged that Foot Locker, HSN, Inc. and Bosch Security Systems Inc., among others, infringe directly one or more claims of U.S. Patent Nos. 6,311,231 and 6,668,286. *See* D.I. 1, ¶¶ 10 and 13; C.A. No. 12-1546, D.I. 1 at ¶¶ 10 and 13; C.A. No. 12-1650, D.I. 11 at ¶¶ 10 and 13.

¹ A motion to stay tolls the time for Foot Locker to respond to the Complaint. *See, e.g., Intravascular Research Ltd. v. Endosonics Corp.*, 994 F. Supp. 564, 567 n.3 (D. Del. 1998) ("Historically, motions to stay have been recognized as tolling the time period for answering a complaint because pre-answer consideration of these motions have been found to maximize the effective utilization of judicial resources."); *see also* 5C Wright & Miller, FEDERAL PRACTICE AND PROCEDURE § 1360, 86 (3d ed. 2004).

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)
Rodger D. Smith II (#3778)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@mnat.com
rsmith@mnat.com

OF COUNSEL:

Attorneys for Defendant

Benjamin Hershkowitz
R. Scott Roe
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166-0193
(212) 351-4000

April 1, 2013

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RULE 7.1.1 CERTIFICATE

I hereby certify that the subject of the foregoing motion has been discussed with counsel for the plaintiff and that we have not been able to reach agreement.

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2013, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on April 1, 2013, upon the following in the manner indicated:

Brian E. Farnan, Esquire
FARNAN LLP
919 North Market Street, 12th Floor
Wilmington, DE 19801
Attorneys for Plaintiff

VIA ELECTRONIC MAIL

Margaret Elizabeth Day, Esquire
Ian N. Feinberg, Esquire
David L. Alberti, Esquire
Clayton Thompson, Esquire
Marc C. Belloli, Esquire
Sal Lim, Esquire
Yakov Zolotorev, Esquire
FEINBERG DAY ALBERTI & THOMPSON LLP
401 Florence Street, Suite 200
Palo Alto, CA 94301
Attorneys for Plaintiff

VIA ELECTRONIC MAIL

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)